

James J. Panzini, Esq. (Bar ID: 022101990)

Pooja Bhutani (Bar ID: 169592016)

JACKSON LEWIS P.C.

766 Shrewsbury Avenue

East Tower, Suite 101

Tinton Falls, New Jersey 07724

T: 732-532-6148

F: 732-842-0301

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RESHMA ABELL,

Plaintiff,

v.

PACIRA PHARMACEUTICALS, INC.,
DAVE STACK, individually and in his
capacity as Chief Executive Officer of
PACIRA PHARMACEUTICALS, INC.,
and RICH KAHR, PETER MURPHY,
DENNIS McLOUGHLIN, PAUL
CIAVOLELLA, GLENN REISER, JOYCE
DAVIS AND MATT LEHMANN, in their
capacities as employees of PACIRA
PHARMACEUTICALS, INC.,

Defendants.

Civil Action No.:

2:18-cv-16509 (MCA) (AME)

**DECLARATION OF RICHARD KAHR IN
SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Richard Kahr, of full age, declares as follows:

1. I am the Vice President of Human Resources at Pacira Pharmaceuticals, Inc. ("Pacira"). I am submitting this declaration in support of Defendants' motion for summary judgment.

2. Pacira is a specialty pharmaceutical company that makes a non-opioid analgesic for post-surgical pain management known as Exparel, and other related non-opioid pain management products.

3. Based on the review of personnel information on file for Defendant Murphy which are maintained in the ordinary course of business by Pacira, Murphy held the following roles and dates of employment:

- a. Murphy worked for Pacira from January 20, 2014 to January 24, 2020. During Plaintiff's employment, Murphy held the title of Northeast Regional Manager from January 20, 2014 to January 24, 2017, and Area Sales Manager, East from January 25, 2017 to July 17, 2017.

4. Based on the review of personnel information on file for Defendant Reiser which are maintained in the ordinary course of business by Pacira, Reiser held the following roles and dates of employment:

- a. During Plaintiff's employment, Reiser worked for Pacira in the roles of National Accounts Director from August 19, 2013 to August 28, 2015, Regional Business Director, Northeast, from December 5, 2016 to May 4, 2017, and Area Sales Director, East from May 5, 2017 to present.

5. Based on the review of personnel information on file for Dennis McLoughlin which are maintained in the ordinary course of business by Pacira, at the time of Plaintiff's termination in March 2018, McLoughlin held the title of Executive Director of Alliances. In this role, he was a fourth level manager of Plaintiff.

6. Based on the review of personnel information on file for Brandon Christenson and Justin Sherrod which are maintained in the ordinary course of business by Pacira, at all times during their respective employment with Pacira, Christenson and Sherrod worked in Pacira's Midwest and Southeast regions, respectively.

7. Pacira's National Sales Meeting typically occurs at a hotel or conference center, and there are several events planned throughout the two-to-three days. An itinerary is circulated which includes a schedule of meetings, lunch, and dinner events. Some of the meetings are mandatory, and others are optional. Additionally, managers often use the opportunity of having

all sales team members together to host in-person, team-building events for their specific regions or teams.

8. Prior to the investigation I conducted in February 2018 concerning the TopGolf incident between Robert Rock and Plaintiff, I do not recall ever meeting with or speaking with Plaintiff. Even as of the date of this filing, I have not ever met Plaintiff. Thus, other than my limited interactions with Plaintiff during the investigation in February 2018 and my conversation with her concerning her termination in March 2018, I did not personally know or interact with Plaintiff.

9. Based on the review of personnel information on file for Robert Rock which is maintained in the ordinary course of business by Pacira, he did not have a disciplinary history prior to his termination.

10. At the time of Plaintiff's termination in March 2018, I did not have any knowledge of Plaintiff making any complaints about Medical Affairs personnel attending any company-sponsored trip or alleged violations of the Sunshine Act.

11. During the phone conference with Plaintiff in March 2018, after I informed Plaintiff that she had been terminated, she advised me that there were other "inappropriate" things going on within Pacira that I should know about. She asked if she could detail these other issues to me. I encouraged her to do so but did not receive any subsequent communication from her on this subject or otherwise.

12. A true and correct copy of my investigation notes concerning the 2018 TopGolf incident, incidents arising thereto, and the termination meetings with Robert Rock and Plaintiff bearing bates-stamped numbers Pacira 000071 to Pacira 000086 are attached hereto as Exhibit A.¹

¹ Several of these documents were identified in deposition testimony and marked as deposition

13. True and correct copies of the email invitations for the Women's Leadership Event scheduled for February 13, 2018, which were located in Plaintiff's e-mailbox and are maintained by Pacira in the ordinary course of business bearing bates-stamped numbers Pacira 001226, 001230-001231 are attached hereto as Exhibit B.

14. True and correct copies of the event contract with TopGolf for February 13, 2018 which accompanied expense reports submitted by Pacira employees in the ordinary course of business and are maintained by Pacira in the ordinary course of business bearing bates-stamped numbers Pacira 001643 to Pacira 001648 are attached hereto as Exhibit C.

15. A true and correct copy of my email exchange with Seth Whaley dated February 22, 2018 to February 23, 2018, bearing bates-stamped numbers Pacira 002290, is attached hereto as Exhibit D.

I declare that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Rich Kahr

RICHARD KAHR
VP of Human Resources
Pacira Pharmaceuticals, Inc.

Date: May 7, 2021

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exhibits. However, for purposes of convenience for the Court, the notes are being attached herewith in chronological order.